

Service Date: April 19, 1990

FINAL ORDER NO. 5986

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

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| In the Matter of the Application of |) | Docket No. T-9443 |
| ROBERT L. ROY DBA FORTMAN TRUCK LINE |) | |
| for a Montana Intrastate Certificate |) | Order No. 5986 |
| of Public Convenience and Necessity. |) | |

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On July 24, 1989, Robert L. Roy dba Fortman Truck Line, 115 North 5th Street, Hamilton, Montana 59840, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of property, Class B, between all points and places in Missoula and Ravalli Counties, Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public August 4, 1989. That notice said in pertinent part:

If no written protests are received by August 24, 1989, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a

hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Keller Transport, Inc., Billings, Montana; H.F. Johnson, Inc., Billings, Montana; Security Armored Express, Inc., Helena, Montana; Dixon Bros., Inc., New Castle, Wyoming; Black Hills Trucking, Inc., Casper, Wyoming; Merchants Delivery & Storage, Inc., Hamilton, Montana; Dan R. Larson dba Larson Transport, Seeley Lake, Montana.

4. The docket was noticed for public hearing October 13, 1989. That hearing date was vacated and the docket was renoticed for public hearing on November 28, 1989. That hearing was also vacated after Applicant and Protestants verbally notified the Commission of pending stipulations and the proposed withdrawal of all protests to the docket.

5. On December 15, 1989, Applicant restrictively amended the application by adding the following limitations: a) Transportation of petroleum and petroleum products, in bulk in tank vehicles, is prohibited. b) Transportation of audit and accounting media, data processing media and business records; film and microfilm (except medical film and x-ray film); valuable papers, nonnegotiable securities and bank checks is prohibited. c) Transportation between Missoula, Montana, and Seeley Lake, Montana is prohibited.

6. Applicant further restricted the application on December

18, 1989, by amending limitation (a) above as follows:

Transportation of acids, chemicals, lime, cement, molasses, liquid animal and poultry feed supplements, petroleum and petroleum products in bulk in tank vehicles is prohibited. Additionally, Applicant restricted the application to prohibit the transportation of Mercer type commodities (as defined in T.E., Mercer and G.E. Mercer Extension - Oil Field Commodities, 74 MCC 459) specifically including water and petroleum and petroleum products to and from all known oil and gas fields and to and from any and all wild cat fields which may be prospected and/or developed for oil and gas in the State of Montana.

7. All protests were subsequently withdrawn to the docket.

8. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 9th day of April, 1990, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9443, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of ROBERT L. ROY DBA FORTMAN TRUCK LINE, 115 North 5th Street, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Property between all points and places in Missoula and Ravalli Counties. Limitations:
1) Transportation of acids, chemicals, lime, cement, molasses, liquid animal and poultry feed supplements, petroleum and petroleum products in bulk in tank vehicles is prohibited. 2) Transportation of audit and accounting media, data processing media and business records; film and microfilm (except medical film and x-ray film); valuable papers, nonnegotiable securities and bank checks is prohibited. 3) Transportation of Mercer type commodities (as defined in T.E. Mercer and G.E. Mercer Extension - Oil Field Commodities, 74 MCC 459) specifically including water and petroleum and petroleum products to and from all known oil and gas fields and to and from any and all wild cat fields which may be prospected and/or developed for oil and gas in the State of Montana is prohibited. 4) Transportation between Missoula, Montana and Seeley Lake, Montana is prohibited.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant

herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 9th day of April, 1990, by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.